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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/769,887	01/25/2001	Andrea Bimson	40655.0400	5480

7590

07/02/2004

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EXAMINER

HUYNH, THU V

ART UNIT	PAPER NUMBER
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2178

DATE MAILED: 07/02/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

2

Office Action Summary

Application No.

09/769,887

Applicant(s)

BIMSON ET AL.

Examiner

Thu V Huynh

Art Unit

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 25 January 2001.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-10 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-10 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date 06/15/2004.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____.

DETAILED ACTION

1. This action is responsive to communications: IDS filed on 04/09/2001 and 08/27/2002; and application filed on 12/25/2001, which has the benefit of prior provisional filed on 01/27/2000.
2. Claims 1-10 are pending in the case. Claims 1 and 7 are independent claims.

Specification

3. The abstract of the disclosure is objected to because it is unclear about the relationship between the objects and the elements when elements also comprising the object. Correction is required. See MPEP § 608.01(b).

4. The amendment filed on 07/09/2001 is objected to under 35 U.S.C. 132 because it introduces new matter into the disclosure. 35 U.S.C. 132 states that no amendment shall introduce new matter into the disclosure of the invention. The added material which is not supported by the original disclosure is as follows:

“support for new presentation styles ... Wireless Markup Language (WML), PDF, or any authoring language in which the presentation may be written” (Preliminary amendment, page 14, third paragraph);

“In conjunction with repurposing, the present invention also permits the use of the content from the database to support all foreign language usage ... may be utilized in any language, in any format, and/or for any media” (Preliminary amendment, page 14, fourth paragraph);

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“translate the XML file in to an HTML page or any other presentation format suitable for user’s device” (Preliminary amendment, page 15, second paragraphs); and

“representation suitable for the user device” (Preliminary amendment, page 15, third paragraph).

Applicant is required to cancel the new matter in the reply to this Office Action.

Claim Rejections - 35 USC § 112

5. The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

6. Claim 9 is rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the written description requirement. The claim(s) contains subject matter which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor(s), at the time the application was filed, had possession of the claimed invention. The claim include the limitation of “producing a markup language file for presentation an appropriate device” is not described in the original specification.

7. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

8. **Claims 1-6 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.**

Regarding independent claim 1. Claim 1 recites the limitation "said objects comprised of elements" and "relationships between said objects on said content page and elements comprising said object" renders the claim is vague and indefinite, since the claim first does not clearly point out the relationship between said object and said elements or other elements, second the elements can not comprising said object if "said object comprised elements" as claimed.

Dependent claims 2-6 are rejected for fully incorporating the dependencies of its base.

Regarding dependent claims 3 and 5, the claims recite the limitations "retrieving said stored data", "translating said retrieved file" and "translating said retrieved file data". There is insufficient antecedent basis for this limitation in the claim.

Regarding dependent claim 4, the claims recite the limitation "storing said scripting language file". There is insufficient antecedent basis for this limitation in the claim.

Claim Rejections - 35 USC § 103

9. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

(b) This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly

owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(e) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

10. **Claims 1-3, 5 and 7-9 are rejected under 35 U.S.C. 103(a) as being unpatentable over Livingston, US 6,424,979, filed 12/1998 and in view of Dodrill, US 6,738,803 B1, filed 12/1999.**

Regarding independent claim 1, Livingston teaches managing web contents from many web site's companies, which may consist of one web site's company, comprising the steps of:

- creating at least one content page having objects defining said content, said objects comprised of elements (Livingston, col.13, line 63 – col.14, line 19; author creates web page having objects that comprised of elements);
- defining relationships between said objects on said content page and elements comprising said objects (Livingston, col.13, line 63 – col.14, line 19; author identifies relationships between objects and elements);
- generating a markup language file incorporating said relationship definitions (Livingston, col.12, lines 1-23; generating content web page in XML format).

Livingston does not explicitly disclose storing said language file in a single data base globally accessible by a user.

Dodrill teaches clients accessed stored XML documents within a database through a server (Dodrill, col.8, lines 24-28 and 54-65).

It would have been obvious to a person of ordinary skill in the art at the time the invention was made to have combined Dodrill and Livingston to store generated XML document into a database as static pages, since this would allow the user access to the server to access such pages.

Regarding dependent claim 2, which is dependent on claim 1, Livingston and Dodrill teach the limitations of claim 1 as explained above. Refer to the rationale relied to reject claim 1, the limitation of “generating said markup language file in extensible Markup Language (XML)” is addressed the rationale is incorporated herein.

Regarding dependent claim 3, which is dependent on claim 1, Livingston and Dodrill teach the limitations of claim 1 as explained above.

- retrieving said stored data (Livingston, col.12, lines 4-13 and 24-44; retrieving components to generating said web page);
- translating said retrieved file to a markup language file for presentation on said company website upon request by a user of said company (Livingston, col.11, lines 34-36 and col.12, lines 20-23; translating XML document to HTML document).

Regarding dependent claim 5, which is dependent on claim 2, Livingston and Dodrill teach the limitations of claim 2 as explained above.

- retrieving said stored data (Livingston, col.12, lines 4-13 and 24-44; retrieving components to generating said web page);
- translating said retrieved file data to a pre-selected markup language file for presentation on said company website upon request by a user of said company (Livingston, col.11, lines 34-36 and col.12, lines 20-23; translating XML document to pre-selected HTML document).

Claims 7-8 are for a computer system comprising instructions performing the method of claims 1-2, respectively and are rejected under the same rationale.

Regarding dependent claim 9, which is dependent on claim 7, Livingston and Dodrill teach the limitations of claim 7 as explained above. Livingston teaches a translator for requesting and receiving a markup language data from said database and producing a Hypertext Markup Language (HTML) file for presentation on said company website (Livingston, col.12, lines 20-23; translating XML document to HTML document).

11. **Claims 4 and 6 are rejected under 35 U.S.C. 103(a) as being unpatentable over Livingston in view of Dodrill as explained in claim 1 above, and further in view of Bi et al., US 6,311,178 B1, filed 09/1998 and Branson US 5,877,819, filed 04/1998.**

Regarding dependent claim 4, which is dependent on claim 1, Livingston and Dodrill teach the limitations of claim 1 as explained above. Dodrill does not explicitly disclose storing said scripting language file in an extensible database that is platform and software independent.

Bi teaches extensible database used to serve client requests (Bi, col.8, lines 45-59).

It would have been obvious to a person of ordinary skill in the art at the time the invention was made to have combined Bi and Dodrill to include an extensible database, since this would have allow the client/user request or queries as Bi disclosed.

However, Bi does not explicitly disclose a database that is platform and software independent.

Branson teaches database that is platform and software independent (Branson, col.28, lines 4-11).

It would have been obvious to a person of ordinary skill in the art at the time the invention was made to have combined Branson's database into Bi and Dodrill to provide a database that is platform and software independent, since this would allowed to only change the software drivers that control devices that are added or removed from the system as Branson disclosed.

Regarding dependent claim 6, which is dependent on claim 2, Livingston and Dodrill teach the limitations of claim 2 as explained above. Livingston does not explicitly disclose storing said markup language file in an extensible database that is platform and software independent.

Bi teaches extensible database used to serve client requests (Bi, col.8, lines 45-59).

It would have been obvious to a person of ordinary skill in the art at the time the invention was made to have combined Bi and Dodrill to include an extensible database, since this would have allow the client/user request or queries as Bi disclosed.

However, Bi does not explicitly disclose a database that is platform and software independent.

Branson teaches database that is platform and software independent (Branson, col.28, lines 4-11).

It would have been obvious to a person of ordinary skill in the art at the time the invention was made to have combined Branson's database into Bi and Dodrill to provide a

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database that is platform and software independent, since this would allowed to only change the software drivers that control devices that are added or removed from the system as Branson disclosed.

12. **Claim 10 is rejected under 35 U.S.C. 103(a) as being unpatentable over Livingston in view of Dodrill as explained in claim 1 above, and further in view of Hind et al., US 6,463,440 B1, filed 04/1999.**

Regarding dependent claim 10, which is dependent on claim 8, Livingston and Dodrill teach the limitations of claim 8 as explained above. Livingston teaches a translator for requesting and receiving XML file data from said database and producing a markup language file (Livingston, col.12, lines 1-23). Livingston teaches, "XML also contains the information used by cascading stylesheets and other format templates for on-screen presentation" (Livingston, col.6, lines 30-32). However, Livingston does not explicitly disclose producing said markup language file for presentation an appropriate device.

Hind teaches stylesheet is used to transform an XML document for appropriate device (Hind, col.2, lines 31-44).

It would have been obvious to a person of ordinary skill in the art at the time the invention was made to have combined Hind and Livingston to provide XML documents to different user's display device, since the style sheet is used to translate the XML to an appropriate XML for user's device.

Conclusion

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13. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Marcy, US 6,662,342 B1, filed 12/1999, teaches method for providing access to object in a document.

Claussen et al., US 6,732,330 B1, filed 09/1999, teaches script language block to support multiple scripting languages in a single web page.

Lau, US 6,598,219 B1, filed 10.1999, teaches method for task oriented XML data model.

Baum et al., US 6,606,731 B1, priority filed 08/1999, teaches intelligent wiring diagram system.

Hogan et al., US 5,778,368, filed 1996, teaches real time embedded software repository with attribute searching apparatus and method.

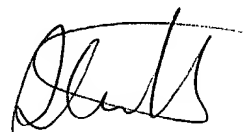
14. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Thu V Huynh whose telephone number is 703-305-9774. The examiner can normally be reached on Monday to Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Heather R Herndon can be reached on 703-308-5186. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

TVH
June 27, 2004



STEPHEN S. HONG
PRIMARY EXAMINER